

Please amend Claims 22 and 37 as follows:

22. (Amended) A biaxial elastic stretch, breathable laminate, comprising:

a water vapor-permeable elastic film comprising a polymer selected from a group consisting of polyurethanes, polyether amides, polyester elastomers and combinations thereof; and

a spunbond nonwoven web, having machine direction stretch and cross direction stretch, bonded to the film, wherein the spunbond nonwoven web is creped to achieve the machine direction stretch.

37. (Amended) A biaxial elastic stretch, breathable laminate fluid barrier, comprising:

a breathable elastic film; and

a necked nonwoven facing material that is creped in the machine direction to allow for machine direction stretch and subsequently bonded to the film.

#### **REMARKS**

Upon entry of the present amendment the claims under consideration are 22, 26-37, and 39. Claims 1-10, 14-21 and 23 have been removed from consideration hereby. The only remaining independent Claims, 22 and 37, have been amended to make clear that the machine direction stretchability of the biaxially stretchable breathable laminate of the present invention is achieved by creping. No new matter is added hereby. The Detailed Action of 05 November 2002 will now be addressed with reference to any headings and paragraph numbers contained therein.

#### **Claim Rejections - 35 U.S.C. §112**

Per paragraph 3 of the Detailed Action, Claims 1-10 and 14-21 stand as under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and